THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :2108 of 2007

DATED: 06-02-2007

Panduri Chella Rao & 4 others.

.....
PETITIONERS

AND

The Additional Agent to the Government,
Rampachodavaram,
East Godavari District & 4 others.

.....RESPONDENTS

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ORDER:

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Heard the learned counsel for the petitioners as well as the learned Government Pleader for Social Welfare appearing for the respondents.

2. It is the case of the petitioners that on a case in LTRP No.13/2001 filed under Section 3 of the A.P.Scheduled Areas Land Transfer Regulation 1/59 as amended by 1/70 for restoration of the land in question and possession of the petitioners in favour of the Government, the 2nd respondent-Special Deputy Collector, Tribal Welfare, Rampachodavaram, East Godavari District vide order, dated 13-08-2002, dismissed the same holding that the possession and transfer of the said land in favour of the petitioners is not in contravention or violation of any of the provisions of Section 3(1) (a) of Regulation 1/59 as amended by the Land Transfer Regulations 1/70. Aggrieved by the same, the 4th respondent-Special Deputy Tahsildar, Tribal Welfare, Gangavaram filed C.M.A.No.36 of 2005 on the file of the Additional Agent to Government, Rampachodavaram-1st respondent herein, and the Appellate authority by order, dated 06-01-2007, allowed the appeal holding that the land of an extent of Ac.7.59 cents in Sy.No.94 of Molleru village, Gangavaram mandal, East Godavari District is in illegal possession of the

petitioners in violation of the aforesaid regulation and accordingly directed the Government to take over possession of the said land. Aggrieved by the said order the petitioners filed a revision before the Government-5th respondent herein on 31-01-2007 along with an application for grant of stay but the Government has not passed any orders so far. It is stated that even before the revision is disposed of, the petitioners were sought to be dispossessed.

3. Having regard to the facts and circumstances of the case, the Writ Petition is disposed of directing the 5th respondent to consider and dispose of the revision filed by the petitioners on 31-01-2007 after giving reasonable opportunity to all concerned, and pending disposal of the revision the petitioners shall not be dispossessed. No order as to costs.

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V.ESWARAIAH,J

06th February, 2007.

Note:

Furnish C.C. today

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